

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE ENROLLED ACT No. 440

AN ACT to amend the Indiana Code concerning natural resources and environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 13-11-2-66.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 66.2. "Emission data", for purposes of IC 13-14-11, means any of the following:**

(1) **The identity, amount, frequency, concentration, or other characteristics (related to air quality) of any contaminant that:**

(A) **has been emitted from; or**

(B) **results from any emission by;**

**an emission unit authorized to emit under an applicable standard or limitation.**

(2) **The name, address, or other description of the location and the nature of the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation constituting the emission unit.**

(3) **Information necessary to:**

(A) **determine a permit condition that assures compliance with an applicable requirement; or**

(B) **determine or calculate an enforceable emission limitation, including:**

(i) **rate of operation;**



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- (ii) rate of production;
- (iii) rate of raw material usage;
- (iv) material balance; or
- (v) equipment capacity;

if the information is contained in a permit or the technical support document to ensure that the permit is practically enforceable under state or federal law.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The air pollution control board shall, as expeditiously as possible and before March 1, 2004, adopt:

(1) rules that incorporate by reference the definitions and requirements of:

(A) 40 CFR 51.165; and

(B) 40 CFR 51.166;

as in effect on March 3, 2003; and

(2) rules that establish significant net emission increase rates for pollutants as follows:

(A) Seven thousandths (0.007) of a ton per year for asbestos.

(B) Four ten-thousandths (0.0004) of a ton per year for beryllium.

(C) One-tenth (0.1) of a ton per year for mercury.

(D) One (1) ton per year for vinyl chloride.

(b) In the adoption of rules under subsection (a)(1), the board may establish a requirement that no proposed:

(1) major stationary source; or

(2) major modification of a stationary source;

may cause an emissions increase that will exceed eighty percent (80%) of the available growth increment allowed under the prevention of significant deterioration air permit program.

(c) Information describing emission increase rates referred to in subsections (a)(2) and (b)(2) that is obtained by the department of environmental management is emission data (as defined in IC 13-11-2-66.2).

(d) The following do not apply to the adoption of rules under subsection (a):

(1) IC 13-14-9-3.

(2) IC 13-14-9-4.

(e) 326 IAC 2-2 is void to the extent that it is inconsistent with the rules adopted under subsection (a) on the date on which the rules adopted under subsection (a) take effect.

(f) Nothing in this SECTION may be construed as preventing

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the department of environmental management from receiving approval from the United States Environmental Protection Agency to administer the prevention of significant deterioration air permit program.

(g) This SECTION expires January 1, 2005.

SECTION 3. An emergency is declared for this act.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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